

AMENDED IN ASSEMBLY MARCH 18, 2004  
AMENDED IN ASSEMBLY SEPTEMBER 9, 2003  
AMENDED IN ASSEMBLY SEPTEMBER 4, 2003  
AMENDED IN ASSEMBLY AUGUST 18, 2003  
AMENDED IN SENATE MAY 15, 2003

**SENATE BILL**

**No. 279**

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**Introduced by Senator Chesbro**

(Principal coauthor: Assembly Member La Malfa)

**(Coauthor: Senator Denham)**

(Coauthors: Assembly Members Berg, Dutton, Hancock, Koretz,  
Maze, Reyes, and Strickland)

February 18, 2003

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An act to amend Section 68120 of the Education Code, relating to public postsecondary education, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Chesbro. Public postsecondary education: excuse of tuition and fees.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, as defined, whose principal duties consisted of active law enforcement service or active fire suppression

and prevention, and who was killed in the performance of active law enforcement or active fire suppression and prevention duties. Until January 1, 2004, this provision also ~~applies~~ *applied* to the surviving spouse or surviving child of a person who died while performing these duties, and who was employed as a contractor, or as an employee of a contractor, performing services for a public agency, as defined. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would *once more* extend ~~indefinitely~~ the application of this provision to the surviving spouse or surviving child of a contractor, or an employee of a contractor, as defined, performing services for a public agency. The bill would require, ~~however~~, that a surviving child of a contractor, or of an employee of a contractor, be enrolled as an undergraduate student at a campus of the University of California or the California State University and document that his or her annual income, including the value of any support received from a parent, does not exceed the ~~national poverty~~ *maximum household income and asset* level, as defined, *for an applicant for a Cal Grant B award*.

*The bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 68120 of the Education Code, as
- 2 amended by Section 2 of Chapter 347 of the Statutes of 2001, is
- 3 amended to read:
- 4 68120. (a) Notwithstanding any other provision of law, no
- 5 mandatory systemwide fees or tuition of any kind shall be required
- 6 of or collected by the Regents of the University of California, the
- 7 Board of Directors of the Hastings College of the Law, or the
- 8 Trustees of the California State University from any surviving
- 9 spouse or surviving child, natural or adopted, of a deceased person
- 10 who met all of the following requirements:
- 11 (1) He or she was a resident of this state.
- 12 (2) He or she was employed by a public agency, or was a
- 13 contractor, or an employee of a contractor, performing services for
- 14 a public agency.

(3) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention. This section shall not apply to a person whose principal duties were clerical, even if he or she was subject to occasional call or was occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention.

(4) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, or died as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her active law enforcement or active fire suppression and prevention duties.

(b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory systemwide fees and tuition under this section as a surviving child of a contractor, or of an employee of a contractor, who performed services for a public agency shall, in addition to the requirements set forth in subdivision (a), meet both of the following requirements:

(1) Enrollment as an undergraduate student at a campus of the University of California or the California State University.

(2) Documentation that his or her annual income, including the value of any support received from a parent, does not exceed the ~~national poverty level as defined in subdivision (c) of Section 66025.3:~~ *maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in Section 69432.7.*

(c) As used in this section:

(1) “Contractor” or “employee of a contractor” ~~includes any of the following:~~

~~(A) A peace officer, as defined in Section 50920 of the Government Code.~~

~~(B) A firefighter, as defined in Section 50925 of the Government Code.~~

~~(C) A patrol member, state peace officer member, or state firefighter member within the meaning of Article 3 (commencing with Section 20390) of Chapter 4 of Part 3 of Division 5 of Title 2 of the Government Code.~~

~~(D) Any person under contract to the State of California or to the fire department of a city, county, or city and county for the purpose of providing aerial fire suppression or rescue services.~~

1 *does not include a security guard or security officer, as defined in*  
2 *Section 7582.1 of the Business and Professions Code.*

3 (2) “Public agency” means the state or any city, city and  
4 county, county, district, or other local authority or public body of  
5 or within the state.

6 SEC. 2. *This act is an urgency statute necessary for the*  
7 *immediate preservation of the public peace, health, or safety*  
8 *within the meaning of Article IV of the Constitution and shall go*  
9 *into immediate effect. The facts constituting the necessity are:*

10 *In order to prevent hardship for those students currently*  
11 *attending public postsecondary institutions who have received*  
12 *waivers for tuition and fees under Section 68120 of the Education*  
13 *Code as it existed prior to January 1, 2004, it is necessary that this*  
14 *act take effect immediately.*

